

REMARKS

In the Office Action mailed on July 24, 2008, claims 1, 3-13, 15-17 and 19-23 have been rejected as obvious under 35 U.S.C. §103 over Henrickson (U.S. 6,894,715) in view of Potekhin et al. (U.S. 7,054,820). Claim 18 stands rejected under 35 U.S.C. §103 over Henrickson (U.S. 6,894,715 in view of Potekhin et al. (U.S. 7,054,820) further in view of Jang et al. (U.S. 6,442,758). The claims have been amended to clarify the differences between claimed embodiments and the cited references. As amended, the claims are allowable over the references. A summary of the reasons for allowance of the claims is:

Independent claims 1, 19 and 20 are allowable since:

- Henrikson Fails to Teach an Attendee Communicating a Primary Selection Command that is Received by Other Attendees and Used by those Other Attendees to Select a Primary Video Stream
- Potekhin Teaches Sending a Single Mixed Audio Stream to Participants – this is Different from a Plurality of Discrete / Individual Video Streams as is Claimed
- Potekhin Fails to Teach Attendees Storing a Primary Selection Command in a Memory as Required by Claim 1
- The Cited References Fail to Disclose the Recited First and Second Primary Streams of Claim 20

Various dependent claims are allowable for other reasons:

- Claim 3 is Allowable since Henrikson Fails to Teach a Plurality of Primary Streams
- Claim 4 is Allowable since Henrikson Fails to Teach a Primary Selection Command that Includes a Priority Ranking for a Plurality of Video Data Streams
- Claim 5 is Allowable since Henrikson Teaches Away from a Primary Stream that is Not from the Loudest or Dominant Speaker

- Claims 9-10 are Allowable since Henrikson Fails to Teach a Primary Selection Command that Includes a Primary Stream Identifier
- Claims 11 and 18 are Allowable since Henrikson Fails to Teach an Attendee Communicating a Plurality of Video Data Streams
- Claim 15 is Allowable since Henrikson Fails to Teach the Recited Elements of a Meeting Facilitator
- Claim 23 is Allowable since the Cited References Fail to Teach Storing a Primary Selection Command in a Computer Memory at the Attendee

These reasons for allowability of the claims are discussed in greater detail below.

A. THE REJECTION OF INDEPENDENT CLAIMS 1, 19 AND 20 ARE IMPROPER

A.1 HENRIKSON FAILS TO TEACH AN ATTENDEE COMMUNICATING A PRIMARY SELECTION COMMAND THAT IS RECEIVED BY OTHER ATTENDEES AND USED BY THOSE OTHER ATTENDEES TO SELECT A PRIMARY VIDEO STREAM

Each of independent claims 1, 19 and 20 recite that an attendee communicate a primary selection command that is received by at least a portion of the plurality of other attendees, and that the other attendees use the primary selection command to identify (claims 1 and 20) / recognize (claim 19) a primary video stream. The Office Action cites Henrikson for this teaching. It is submitted that this is incorrect.

Put another way, in each independent claim at least one attendee decides which video stream will be the primary stream and communicates a corresponding primary selection command to other attendees. Those other attendees then use the command to identify / recognize the primary video stream. This can be thought of as a distributed system where attendees make decisions and execute commands concerning the primary video stream. This is very different from Henrikson's centralized system where primary stream selection is instead done centrally.

The Office Action alleges that these corresponding elements of claims 1, 19 and 20, are disclosed by col. 5, lines 20-25 of Henrikson. It is submitted that this is incorrect. The cited portion of Henrikson simply teaches that the primary stream is selected at the central node 124 (based on the dominant or loudest speaker) and then sent to attendees. In fact, this cited portion of Henrikson teaches away from the claims by confirming that the primary stream identification is not made by attendees using a selection command they received, but is instead made at central node 124.

As pointed out in Amendment A, in Henrikson's centralized system all aspects of primary stream selection and use occur at a centralized media resource node 124: "In the preferred embodiment, media resource function 124 includes a conference circuit that receives all inputs ... from the conference participants and distributes a mixed output to all conference participants. The mixed output preferably includes and distinguishes the primary video image." col. 4, lines 45 – 50; see also FIG. 1 showing central location of media resource function 124. This is very different from the claimed distributed configuration where primary stream selection and identification tasks are performed by conference attendees.

Henrikson's configuration may offer less flexibility than the claimed embodiments since individual attendees cannot select a primary data stream(s). Further, Henrikson teaches that central media resource function 124 selects the primary video stream based on the dominant (i.e., loudest) audio stream:

In accordance with the present invention, the audio packets received from conference participants (by media resource node 124) are analyzed to select the primary video image for display. ... If a particular participant is dominating the audio portion of the conference (206), then the primary video image that is sent to all participants is selected based on the participant dominating (the audio) ...

col. 4, line 52 – col. 5, line 23 (emphasis added). Also, "(m)ost preferably, the loudest audio signal is used to select the primary video image. The primary video image is typically a video image of the loudest speaker" col. 5, lines 63-65 (emphasis added).

The rejection of claims 1, 19 and 20 is therefore improper and must be withdrawn.

A.2 THE REJECTION OF INDEPENDENT CLAIMS 1, 19 AND 20 ARE IMPROPER SINCE POTEKHIN TEACHES SENDING A SINGLE MIXED AUDIO STREAM TO PARTICIPANTS – NOT A PLURALITY OF DISCRETE / INDIVIDUAL VIDEO STREAMS AS IS CLAIMED

Independent claims 1, 19 and 20 stand rejected as unpatentable over Henrikson in view of Potekhin et al. Claims 1 and 19 have been amended to clarify that each of a plurality of attendees receives a plurality of discrete real time video data streams, and claim 20 to clarify that each of the plurality of attendees receives a plurality of individual video data streams that are not mixed together into a single mixed stream. Putting the above discussed shortcomings of Henrikson aside for the moment, the Office Action admits that Henrikson fails to disclose this step. Potekhin has been cited as teaching that each attendee receives a plurality of real time data streams. It is submitted that Potekhin cannot support the rejection of amended claims 1, 19 and 20.

Potekhin discloses sending an outgoing audio stream from each user to a centralized control unit where the streams are mixed into a single mixed stream that is then sent out to at least one participant. (col. 3, lines 3-15; col. 4, lines 39-41; col. 11, lines 59-63). This is different than the invention as claimed in all current independent claims. Independent claims 1 and 19 as amended recite that each attendee receive a plurality of discrete (as opposed to being combined or mixed into a single stream) video data streams (as opposed to audio data streams), and claim 20 that each attendee receives a plurality of individual streams that have not been mixed together into a single mixed stream. Potekhin (1) does not disclose or suggest communicating a plurality of discrete / individual streams but instead teaches sending a single, mixed stream and (2) does not disclose or suggest sending video data streams. This is another reason that the rejections of claims 1, 19 and 20 are improper and must be withdrawn.

A.3 POTEKHIN FAILS TO TEACH ATTENDEES STORING A PRIMARY SELECTION COMMAND IN A MEMORY AS REQUIRED BY CLAIM 1

Claim 1 further requires that one of the attendees communicate a primary selection command that is received by at least a portion of the plurality of attendees and stored in a memory by each of the portion of attendees. The Office Action admits that Henrikson fails to disclose this element, but cites column 7, lines 54-67 of Potekhin for this teaching. This portion of Potekhin states, in pertinent part, that the “audio controller 440 stores control information.” It is submitted that this is insufficient to meet the recitation that attendees store a primary selection command received from another attendee in a memory.

Accepting only for sake of argument the Office Action’s argument that Potekhin’s “control information” can be considered to be a “primary selection command,” the cited portion of Potekhin fails to teach that the command is received and/or stored in a memory *by a plurality of the attendees*. Instead, it is executed and stored at central audio controller 440 (which is part of central MCU 400 – see FIG. 4) – this is different from the claimed recitation. This is still another reason that claim 1 is allowable.

A.4 THE CITED REFERENCES FAIL TO DISCLOSE THE RECITED FIRST AND SECOND PRIMARY STREAMS OF CLAIM 20

Independent claim 20 is allowable for the reasons set forth above. It is also allowable for other reasons. For example, claim 20 has been amended to recite that first and second primary video data stream identifiers are communicated to a plurality of users wherein each of the plurality of users thereby receives two different primary video data streams at the same time. The cited references fail to disclose or suggest this, and in fact teach away from it. Henrikson teaches that only a single primary video stream is

communicated (centrally selected to be the “loudest” stream). Col. 5, lines 20-25. Potekhin, as best understood, fails to disclose or suggest receiving a primary video stream, much less first and second primary video streams. This is another reason for the allowability of claim 20.

B. **DEPENDENT CLAIMS 3, 4, 5, 9, 10, 11, AND 23 ARE ALLOWABLE FOR OTHER REASONS**

Because the independent claims are allowable, all of the dependent claims are likewise allowable. Several are allowable for other reasons as well.

B.1 **CLAIM 3 IS ALLOWABLE: HENRIKSON FAILS TO TEACH A PLURALITY OF PRIMARY STREAMS**

Claim 3 states that a primary selection command designates a plurality of video data streams as primary video data streams. Henrickson fails to disclose or suggest this required element, and in fact, teaches away from this by teaching only a single primary video image. (See, col. 5, lines 20-25).

B.2 **CLAIM 4 IS ALLOWABLE: HENRIKSON FAILS TO TEACH A PRIMARY SELECTION COMMAND THAT INCLUDES A PRIORITY RANKING FOR A PLURALITY OF VIDEO DATA STREAMS**

Claim 4 depends from claim 1 and recites that the primary selection command of claim 1 further include a priority ranking for a plurality of video data streams. The Office Action admits that Henrickson fails to disclose this, but cites col. 8, lines 1-15 of Potekhin for this teaching. This portion of Potekhin, however, fails to teach or suggest this. This portion of Potekhin reads:

When processing a conference in which all participants have the same status (e.g., a common conference among participants having the same priority), audio controller 440 receives control information (e.g., control information 514 or control information from the host) via IC 528, updates its database 441, and then searches for the set number of the dominant speakers in the conference. Audio controller 440 then controls switch 532

and/or mixer 542 of each audio port 430 being used for the conference to generate an appropriate mix. For example, the set number of speakers for which audio controller 440 searches may be five participants. When processing a conference that is a lecture, audio controller 440 may receive the information via IC 528, update its database 441, and then search for the dominant speaker (e.g., the lecturer). (emphasis added)

This portion of Potekhin not only fails to teach a primary selection command that includes a priority ranking for a plurality of video data streams, but teaches away from it since it teaches that all users “have the same status / priority” and then searching for the “dominant speaker.” Should this rejection not be withdrawn, clarification is requested.

B.3 CLAIM 5 IS ALLOWABLE: HENRIKSON TEACHES AWAY FROM A PRIMARY STREAM THAT IS NOT FROM THE LOUDEST OR DOMINANT SPEAKER.

Claim 5 has been amended to further recite that the primary video data stream is not from a loudest or dominant speaker. Henrikson teaches away from this since it teaches that the primary video stream is selected only on the basis of the loudest or dominant speaker: “...the primary video image that is sent to all participants is selected based on the participant dominating the audio portion of the call ..” col. 5, lines 22-23. Claim 5 is therefore allowable.

B.4 CLAIMS 9-10 ARE ALLOWABLE: HENRIKSON FAILS TO TEACH A PRIMARY SELECTION COMMAND THAT INCLUDES A PRIMARY STREAM IDENTIFIER

Claims 9 and 10 depend from claim 1 and further recites that each stream have an identifier and that the primary selection command communicated from an attendee to all other attendees include the stream identifier for the primary video stream. The Office Action cites col. 4, lines 49-50 of Henrikson for this teaching. This portion of Henrikson, however, simply reads that: “The mixed (audio) output preferably includes and distinguishes the primary video image.” It is submitted that this disclosure does not support the rejection since it clearly does not disclose a primary selection command that

includes a video stream identifier. Additionally, it is submitted that this rejection is improper since Henrikson teaches away from this recitation. Henrikson teaches that the primary video stream is selected based only on the dominant audio stream. col. 5, lines 22-23. There is therefore no need to communicate a primary selection command including a primary stream identifier to attendees. Claims 9 and 10 are therefore allowable.

B.5 CLAIMS 11 AND 18 ARE ALLOWABLE: HENRIKSON FAILS TO TEACH AN ATTENDEE COMMUNICATING A PLURALITY OF VIDEO DATA STREAMS

Claims 11 and 18 are also allowable because the combination of Henrickson and Potekhin fail to disclose or suggest that each attendee communicate a plurality of video data streams. The Office Action cites col. 5, lines 20-25 of Henrikson for this teaching. That portion of Henrikson, however, simply teaches that a single primary video stream is communicated based on whomever is the loudest speaker. Should this rejection not be withdrawn, clarification is requested.

B.6 CLAIM 15 IS ALLOWABLE: HENRIKSON FAILS TO TEACH THE RECITED MEETING FACILITATOR ELEMENTS

Claim 15 depends from claim 1 and further recites that:

(The) primary selection command is communicated from a meeting facilitator connected to the network, said meeting facilitator monitoring all of said plurality of data streams but not communicating a video or audio data stream to said plurality of attendees, and wherein said at least a portion of said plurality of attendees is all of said plurality of attendees.

The Office Action cites col. 4, line 66 – co. 5, line 2 of Henrikson for this teaching. This portion of Henrikson, however, simply reads: “Ideally, where only one participant is speaking at a particular time, only audio packets associated with that participant are received by the conference function.” It is submitted that this does not disclose the

recited elements of claim 15. Should this rejection not be withdrawn, clarification is requested.

B.7 CLAIM 23 IS ALLOWABLE: THE CITED REFERENCES FAIL TO TEACH STORING A PRIMARY SELECTION COMMAND IN A COMPUTER MEMORY AT THE ATTENDEE

Henrikson in view or Potekhin does not disclose the elements of claim 23. Claim 23 depends from claim 1 and further recites that the primary selection command be stored on a memory in a computer at each of the attendees. Neither Henrikson nor Potekhin disclose this feature. In Henrikson's centralized configuration the central media resource node 124 identifies the primary stream based on audio volume. Col. 4, lines 45-50. Likewise, Potekhin teaches that selection commands are stored on a centrally located MCU 400. FIG. 4.

In rejecting claim 23, the Office Action simply states that the claim is rejected "...for the same reasons as are claims 1 and 12." Clarification is requested, however, since neither of these claims recite storing the primary selection command in a computer memory at each attendee.

C. OTHER AMENDMENTS

Claims 20 and 23 have been amended to overcome the Examiner's 35 U.S.C. § 101 rejection. Claim 23 now recites a computer readable medium storing a computer program product for communicating at least one primary data stream over a data network. Therefore, Applicant submits this claim is in proper form for allowance.

D. CONCLUSION

For the reasons explained above, it is submitted that the claims in their current form are allowable. In particular, the following reasons for allowability of the claims have been presented:

Independent claims 1, 19 and 20 are allowable since:

- Henrikson Fails to Teach an Attendee Communicating a Primary Selection Command that is Received by Other Attendees and Used by those Other Attendees to Select a Primary Video Stream
- Potekhin Teaches Sending a Single Mixed Audio Stream to Participants – this is Different from a Plurality of Discrete / Individual Video Streams as is Claimed
- Potekhin Fails to Teach Attendees Storing a Primary Selection Command in a Memory as Required by Claim 1
- The Cited References Fail to Disclose the Recited First and Second Primary Streams of Claim 20

Various dependent claims are allowable for other reasons:

- Claim 3 is Allowable since Henrikson Fails to Teach a Plurality of Primary Streams
- Claim 4 is Allowable since Henrikson Fails to Teach a Primary Selection Command that Includes a Priority Ranking for a Plurality of Video Data Streams
- Claim 5 is Allowable since Henrikson Teaches Away from a Primary Stream that is Not from the Loudest or Dominant Speaker
- Claims 9-10 are Allowable since Henrikson Fails to Teach a Primary Selection Command that Includes a Primary Stream Identifier
- Claims 11 and 18 are Allowable since Henrikson Fails to Teach an Attendee Communicating a Plurality of Video Data Streams
- Claim 15 is Allowable since Henrikson Fails to Teach the Recited Elements of a Meeting Facilitator
- Claim 23 is Allowable since the Cited References Fail to Teach Storing a Primary Selection Command in a Computer Memory at the Attendee

Timely examination and allowance is requested.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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